

REMARKS

Reconsideration of this application is requested.

Claim Status

Claims 1-18 are pending. Claims 1, 4 and 7-11 are amended.

Claim Rejections – 35 USC §112

Claims 1, 4 and 7-11 are rejected under 35 USC §112, second paragraph, as indefinite for lacking antecedent basis for various terms. In response, claims 1, 4 and 7-11 are amended to correct all antecedent basis issues noted in the Action.

Claim Rejections – 35 USC §102(b)

Claim 10 is rejected under 35 USC 102(b) as anticipated by Fukuda (JP 401318456A). In response, applicant asserts that claim 10 clearly distinguishes over Fukuda.

According to Fukuda, originating fax equipment 260 calls out fax equipment 200 via PBX 250. Because fax equipment 200, called based on a telephone number by fax equipment 260, is in a “reception unable state”, such as an exhaustion of recording paper or a paper jam, alarm detecting circuit part 237 works to inform the defective state to control part 201. Control part 201, in fax equipment 200, actuates circuit control part 231 to temporarily cut, for approximately 500 ms, the circuit to PBX 250 when detecting an alarm from alarm detecting circuit part 237. Moreover, control part 201 starts up automatic transmission circuit 235, calls out another fax equipment 210, which is connected with the PBX 250 by use of the transfer function of the PBX 250, and connects with its the own equipment.

As described above, Fukuda is directed to temporarily cutting the line if a defective state of the recording part is detected when receiving a call from PBX 250 and uses a transfer function of PBX 250.

In contrast, the claimed invention is directed to continuing an off-hooking state, while the recording part is in a defective state, and judging, with switching equipment, that the line is busy. Therefore, the claimed invention does not call out a fax as taught by Fukuda. See Specification, paragraphs [0049] to [0053]. While

Fukuda detects a defective state and transfers the call only after being called by the switching equipment, the present invention maintains the line in an off-hooking state after detecting a defective state.

Accordingly, claim 10 recites "a control unit which refuses an incoming call by maintaining the state of closing the circuit with the network control unit and outputs a melody which indicates the closing of the circuit, from the speaker, in the case the recording unit fails to operate", and thus distinguishes over Fukuda for the reasons set forth above. Since Fukuda does not teach each and every element of claim 10, the rejection of claim 10 under 35 USC 102 should be withdrawn.

Claim Rejections – 35 USC 103(a)

Claims 1 and 18 are rejected under 35 USC 103(a) as obvious over Fukuda in view of Shimizu (US 4,638,368). Claims 2, 3, 5 and 6 are rejected as obvious over Fukuda in view of Shimizu and further in view of Todaka (US 5,555,104). Claims 7-9 are rejected as obvious over Fukuda in view of Kobayashi (US 6,434,343). Claim 11 is rejected as obvious over Fukuda in view of Ikegami (US 6,414,759). Claims 4 and 14 are rejected as obvious over Fukuda in view of Shimizu and Ouchi (US 5,675,421). Claims 15 and 16 are rejected as obvious over Fukuda in view of Kobayashi and further in view of Ouchi. Claim 12 is rejected as obvious over Fukuda in view of Kobayashi and Fujimoto (US 6,701,095). Claim 17 is rejected as obvious over Fukuda in view of Ouchi. Claim 13 is rejected as obvious over Fukuda in view of Ikegami and Izumi (US 6,728,534).

Independent claims 1, 7 and 8 recite *a control unit which refuses an incoming call by maintaining the state of closing the circuit with the network control unit and invalidates the operation and input of the said operating key in the case the recording unit fails to operate* and, thus, distinguish over Fukuda for the same reasons set forth above with respect to claim 10. The ancillary references do not remedy the deficiencies of Fukuda in this regard. Accordingly, the rejections of claims 1 and 7-8, and all claims dependent thereon, under 35 USC 103(a) should be withdrawn.

Appl. No. 09/943,219
Amdt. dated November 1, 2005
Reply to Office Action of September 20, 2005

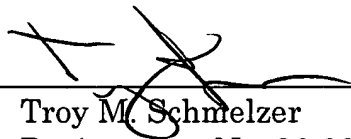
Atty. Ref. 81800.0166
Customer No. 26021

Conclusion

This application is now believed to be in form for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: November 1, 2005

By: 
Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701